



City of Pico Rivera CITY CLERK'S OFFICE

6615 Passons Boulevard · Pico Rivera, California 90660

(562) 801-4389

Web: www.pico-rivera.org · e-mail: eizaguirre@pico-rivera.org

Charles P. Fuentes
City Manager

Evelyn Izaguirre
Deputy City Clerk

July 24, 2008

City Council

Ronald M. Beilke
Mayor

Gracie Gallegos-Smith
Mayor Pro Tem

Bob J. Archuleta
Councilmember

David W. Armenta
Councilmember

Gregory Salcido
Councilmember

Board of Supervisors
Hall of Administration
500 W. Temple Street
Los Angeles, California 90012

SUBJECT: CONSOLIDATION OF FISCAL EMERGENCY ELECTION
WITH PRESIDENTIAL ELECTION ON NOVEMBER 4, 2008

The City Council at its special meeting of July 22, 2008, adopted Resolution No. 6376 Calling and Giving Notice of Special Election to consolidate the Fiscal Emergency Election with the Presidential Election on November 4, 2008.

We are requesting the Board of Supervisors permission to consolidate our Election with the Presidential Election on November 4, 2008 and having the L.A. Registrar-Recorder Election Division conduct the Election.

If you have any questions, please call this office at (562) 801-4389.

Please respond to this office at your earliest convenience.

Very truly yours,

Evelyn Izaguirre, CMC
Deputy City Clerk

cc: County Election Administration
City Attorney

Enclosures: Resolution Nos. 6376, 6367 & 6368
Ordinance No. 1048



RESOLUTION NO. 6376

**CITY OF PICO RIVERA
LOS ANGELES COUNTY, CALIFORNIA**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA
DECLARING AN EMERGENCY AND CALLING AND GIVING NOTICE OF A
SPECIAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4,
2008, TO SUBMIT TO THE VOTERS OF THE CITY OF PICO RIVERA A CITY
SERVICES ORDINANCE TO ADOPT AN ADDITIONAL 1% GENERAL
TRANSACTIONS AND USE TAX**

WHEREAS, the City of Pico Rivera, despite efforts to maintain fiscal management and accountability, is experiencing serious and detrimental financial and budgetary impacts because of increased service demands and like many other cities in California face inadequate funding to address essential public safety and service needs; and

WHEREAS, the City of Pico Rivera has implemented a number of cost-saving measures, having reduced the number of employees, consolidated departments and become more efficient in its operations; and

WHEREAS, the City of Pico Rivera is in a Financial State of Emergency as the City is projecting a budget deficit of over \$8 Million in 2008-09 and that reserve funds could be entirely depleted in the near future; and

WHEREAS, without an immediate source of new revenue, the City of Pico Rivera will be forced to reduce essential services to the community; and

WHEREAS, protecting and maintaining public safety, anti-gang and drug programs, improving after-school parks and recreation services, removing graffiti and fixing streets, are essentials for our community; and

WHEREAS, the City is in jeopardy of losing \$8 Million in matching funds pledged by the County of Los Angeles to assist in the construction of high-tech community library which would benefit numerous families and youth of the City; and

WHEREAS, a local revenue measure will make it possible for the City to improve; its overall community services, for example by hiring additional police officers to reduce emergency response times, fix and repair the condition of deteriorating neighborhood street and major roads and highways which would improve traffic flow and reduce congestion within the City, fighting gangs and drugs by expanding neighborhood graffiti removal programs, youth anti-gang and anti-drug prevention programs and after-school tutoring and mentoring programs; and

WHEREAS, the City of Pico Rivera has made law enforcement, public safety and anti-gang efforts a priority which must be maintained at the highest levels to protect the City's residents and neighborhoods; and

WHEREAS, pursuant to Section 2(b) of California Constitution Article XIII C, the City Council hereby unanimously finds and declares that the circumstances identified above constitute a fiscal emergency and the existence of this emergency creates an imminent financial risk and danger to the public welfare and the City's financial ability to provide essential municipal services without disruption, such that a special election is necessary to address such risks and dangers before the next regularly scheduled municipal election for members of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pico Rivera as follows:

SECTION 1. Pursuant to the requirements of the Pico Rivera Municipal Code and the laws of the State of California, a special municipal election is hereby called and ordered to be held in the City of Pico Rivera, California, on Tuesday, November 4, 2008.

SECTION 2. At said election there shall be submitted to the qualified voters of the City of Pico Rivera a City Services Preservation Measure to adopt an additional 1% general transactions and use tax.

SECTION 3. The text of the measure, labeled as Measure A, which may be redesignated by the County Clerk, is attached hereto as Exhibit A, and incorporated herein by this reference.

SECTION 4. The procedures for voting for and against said question shall be those established by Los Angeles County and the question shall be printed in substantially the following form:

MEASURE A. The Pico Rivera City Services Protection Measure. To preserve public safety, community programs and prevent significant cuts to essential services, by funding general City services including hiring additional police, maintaining anti-gang and graffiti efforts, youth and after-school parks and recreation services, expanding library and parks, fixing City streets, and other essential neighborhood improvements, shall the City sales tax be increased by one cent with annual financial audits, expenditure reports, and financial oversight?	YES	
	NO	

SECTION 5. The ballots to be used at the election shall be in form and content as required by law.

SECTION 6. The polls shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the California Elections Code.

SECTION 7. Under separate resolution, the Board of Supervisors of Los Angeles County shall cause the precincts, polling places and election officers for said election to be established and cause the returns of said election to be canvassed and to certify the same to the City Council of the City of Pico Rivera. The vote requirement for passage of the measure is a majority of the votes cast (50% plus 1). The city agrees that it will reimburse the County of Los Angeles for all related election costs incurred for this special election.

SECTION 8. The City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall cause to be prepared an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of the primary arguments.

SECTION 9. In all particulars not recited in this resolution, the election hereby called shall be as provided by law for holding municipal elections in the City.

SECTION 10. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 11. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

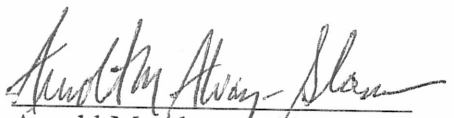
PASSED, APPROVED, AND ADOPTED this 22nd day of July, 2008

CITY OF PICO RIVERA


Ron Beilke, Mayor

APPROVED AS TO FORM:

ATTEST:


Arnold M. Alvarez-Glasman, City Attorney


Evelyn Izaguirre, Deputy City Clerk

AYES: Archuleta, Gallegos, Salcido, Beilke
NOES: None
ABSENT: Armenta
ABSTAIN: None

EXHIBIT A

**PLEASE SEE URGENCY ORDINANCE ATTACHED TO STAFF ITEM DATED
June 24, 2008**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PICO RIVERA ADOPTING A GENERAL
TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY
THE STATE BOARD OF EQUALIZATION PURSUANT TO
REVENUE & TAXATION CODE SECTIONS 7251 ET SEQ.,
SUBJECT TO VOTER APPROVAL**

RESOLUTION NO. 6377

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO AUTHORIZE AND ORDER THE CONSOLIDATION OF A SPECIAL MUNICIPAL ELECTION OF THE CITY OF PICO RIVERA WITH THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008 AND REQUESTING THE COUNTY CLERK / REGISTRAR OF VOTERS TO PROVIDE CERTAIN SERVICES

WHEREAS, the City Council of the City of Pico Rivera has called a Special Municipal Election to be held on the day of the General Election on Tuesday, November 4, 2008; and

WHEREAS, the City Council is submitting to the qualified voters of the City of Pico Rivera a City Services Preservation Ordinance to adopt an additional one percent (1%) general transactions and use tax (sales tax); and

WHEREAS, the City of Pico Rivera, despite significant improvements in its fiscal accountability, is operating paycheck to paycheck because of increased service demands from a growing population -- leaving the City, like many others in California, with inadequate funding to address essential public safety and service needs; and

WHEREAS, over the past four years, the City has implemented a number of cost-saving measures, having reduced the number of employees, consolidated departments and become more efficient in its operations; and

WHEREAS, the City of Pico Rivera is in a Financial State of Emergency as the City is projecting a budget deficit of over \$8.0 Million in 2008-09; and

WHEREAS, without an immediate source of new revenue, the City will be forced to reduce essential services to the community; and

WHEREAS, protecting and maintaining public safety, anti-gang and drug programs, improving after-school parks and recreation services, removing graffiti and fixing streets, are essentials for our community; and

WHEREAS, the City is in jeopardy of losing \$8.0 Million in matching funds pledged by the County of Los Angeles to assist in the construction of high-tech community library which would benefit numerous families and youth of the City; and

WHEREAS, a local revenue measure will make it possible for the City to improve; its overall community services, for example by hiring additional police officers to reduce emergency response times, fix and repair the condition of deteriorating neighborhood street and major roads and highways which would improve traffic flow and reduce congestion within the City, fighting gangs and drugs by expanding neighborhood graffiti removal programs, youth anti-gang and anti-drug prevention programs and after-school tutoring and mentoring programs; and

WHEREAS, the City of Pico Rivera is in a Financial State of Emergency as the City is projecting a budget deficit of over \$8 Million in 2008-09 and that reserve funds will be entirely depleted in the near future; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the General Election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the Los Angeles County Clerk / Registrar of Voters canvass the returns of the Municipal Election and that the election be held in all respects as if there were only one election; and

WHEREAS, it is necessary to secure the consent and order of the Board of Supervisors of the County of Los Angeles to effect such consolidation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Municipal Election with the statewide General Election on Tuesday, November 4, 2008, in order that a proposed Ordinance may be submitted to the voters of the City of Pico Rivera.

SECTION 2. A measure is to appear on the ballot in substantially the following form:

MEASURE A. The Pico Rivera City Services Protection Measure. To preserve public safety, community programs and prevent significant cuts to essential services, by funding general City services including hiring additional police, maintaining anti-gang and graffiti efforts, youth and after-school parks and recreation services, expanding library and parks, fixing City streets, and other essential neighborhood improvements, shall the City sales tax be increased by one cent with annual financial audits, expenditure reports, and financial oversight?	YES	
	NO	

SECTION 3. The County Clerk / Registrar of Voters is authorized to canvass the returns of the Municipal Election and to certify the same to the City Council of the City of Pico Rivera at the time and in the manner provided by law. The vote requirement for passage of the measure shall be a majority of votes cast (50% plus 1). The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

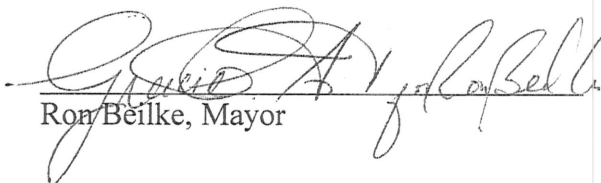
SECTION 4. The Board of Supervisors is requested to issue instructions to the County Clerk / Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

SECTION 5. The City of Pico Rivera recognizes that additional costs will be incurred by the County by reason of this consolidation, and the City agrees to reimburse the County for all expenses incurred for services requested by this resolution.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

SECTION 7. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk / Registrar of Voters of Los Angeles County.

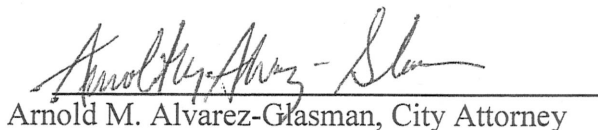
ADOPTED AND APPROVED this 22nd day of July, 2008.


Ron Beilke, Mayor

ATTEST:

APPROVED AS TO FORM:


Evelyn Izaguirre, Deputy City Clerk


Arnold M. Alvarez-Glasman, City Attorney

AYES:	Archuleta, Gallegos, Salcido, Mayor Beilke
NOES:	None
ABSENT:	Armenta
ABSTAIN:	None

URGENCY ORDINANCE NO. 1048**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA ADOPTING A GENERAL TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION PURSUANT TO CALIFORNIA REVENUE & TAXATION CODE SECTIONS 7251 *ET SEQ.*, SUBJECT TO VOTER APPROVAL**

WHEREAS, the City of Pico Rivera (the "City"), like many other cities in California, is facing decreases in revenues along with significant increases in operational expenses resulting in inadequate funding to address essential public safety and service needs; and

WHEREAS, the City has implemented a number of cost-saving measures in order to become more efficient in its operations; and

WHEREAS, the City of Pico Rivera is in a Financial State of Emergency as the City is projecting a budget deficit of over \$8.0 Million in 2008-09; and

WHEREAS, without an immediate source of new revenue, the City will be forced to reduce essential services to the community; and

WHEREAS, protecting and maintaining public safety, anti-gang and drug programs, improving after-school parks and recreation services, removing graffiti and fixing streets, are essentials for our community; and

WHEREAS, the City is in jeopardy of losing \$8.0 Million in matching funds pledged by the County of Los Angeles to assist in the construction of high-tech community library which would benefit numerous families and youth of the City; and

WHEREAS, a local revenue measure will make it possible for the City to improve; its overall community services, for example by hiring additional police officers to reduce emergency response times, fix and repair the condition of deteriorating neighborhood street and major roads and highways which would improve traffic flow and reduce congestion within the City, fighting gangs and drugs by expanding neighborhood graffiti removal programs, youth anti-gang and anti-drug prevention programs and after-school tutoring and mentoring programs; and

WHEREAS, pursuant to Section 2(b) of California Constitution Article XIII C, the City Council has unanimously declared the existence of an emergency in that there are imminent financial risks and dangers, as described above, to the public welfare and the City's financial ability to provide essential municipal services without disruption, and has called a special municipal election on Tuesday, November 4, 2008, at which election this Ordinance shall be submitted to the qualified voters of the City of Pico Rivera.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES HEREBY ORDAIN AS FOLLOWS AND IF APPROVED BY THE VOTERS OF THE CITY OF PICO RIVERA, THE PEOPLE OF THE CITY OF PICO RIVERA DO ORDAIN AS FOLLOWS:

SECTION 1. TITLE. This Ordinance shall be known as "The City of Pico Rivera Transactions and Use Tax Ordinance." The City of Pico Rivera hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

SECTION 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than ten (10) days after the City Council declares the results of the special election on November 4, 2008.

SECTION 3. PURPOSE. This Ordinance is adopted to achieve the following purposes, among others, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2, which authorizes the City to adopt this tax Ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax Ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax Ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax Ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Ordinance.

SECTION 4. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax Ordinance provided that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

SECTION 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Ordinance.

SECTION 6. PLACE OF SALE. For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

SECTION 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one percent (1%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

SECTION 8. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

SECTION 9. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.
3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of part 1 of Division 2 of the

Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

5. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this state" in section 6203 and in the definition of that phrase in Section 6203.

SECTION 10. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

SECTION 11. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the, amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax Ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

SECTION 12. NEW REVENUE USE RESTRICTION. Any new revenues generated by the passage and collection of this transaction and use tax are restricted for general fund purposes, except that such new revenues shall not be spent for improvements to the site known as the "Pico Rivera Sports Arena Complex " unless and until the improvements as defined in the Pico Rivera Parks Master Plan are first constructed and completed.

SECTION 13. AMENDMENTS TO STATE LAW. All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

SECTION 14. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SECTION 15. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 16. EFFECTIVE DATE AND SUBMISSION TO VOTERS. This Ordinance relates to the levying and collecting of City transactions and use taxes and shall take effect immediately. However, no tax imposed by this Ordinance shall be effective unless that tax has been approved by the voters of the City, at an election held on November 4, 2008, as required by Section 2(b) of Article XIII C of the California Constitution and applicable law.

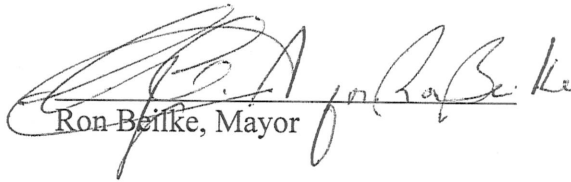
SECTION 17. AMENDMENT AND TERMINATION. The authority to levy the taxes imposed by this Ordinance shall continue indefinitely until this ordinance is repealed. The City Council may amend this Ordinance to reduce the rate of the taxes, either permanently or for a set period of time, without a further vote of the people. However, as required by Article XIII C of the California Constitution, no amendment to this ordinance may increase the rates of the taxes above what is authorized by this ordinance unless such amendment is submitted to and approved by the voters.

SECTION 18. DECLARATION. The proceeds of the taxes imposed by this Ordinance may be used for any lawful purpose of the City, as authorized by Ordinance, Resolution or action of the City Council or by Ordinance adopted by the electorate of the City. These taxes do not meet the criteria established by Section 1(d) of Article XIII C of the California Constitution for special taxes, and are general taxes imposed for general government purposes.

SECTION 19. ACCOUNTABILITY. The City's expenditure of the proceeds of the taxes imposed by this Ordinance shall be reviewed annually in conjunction with, and as part of the City's usual annual financial audit, and the results of such review shall be made available for inspection by the public.

SECTION 20. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

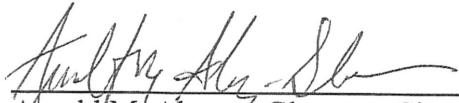
PASSED, APPROVED and ADOPTED this 22nd day of July, 2008 at the City of Pico Rivera, California.


Ron Beilke, Mayor

ATTEST:

APPROVED AS TO FORM:


Evelyn Izaguirre, Deputy City Clerk


Arnold M. Alvarez-Glasman, City Attorney

AYES: Archuleta, Gallegos, Salcido, Mayor Beilke

NOES: None

ABSENT: Armenta

ABSTAIN: None

RESOLUTION NO. 6378

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PICO RIVERA SETTING PRIORITIES FOR FILING
WRITTEN ARGUMENTS REGARDING CITY
MEASURES AND DIRECTING THE CITY ATTORNEY
TO PREPARE AN IMPARTIAL ANALYSIS AND
PROVIDING FOR THE FILING OF REBUTTAL
ARGUMENTS**

WHEREAS, a Special Municipal Election on Tuesday, November 4, 2008 has been called by Resolution No. 6376, at which there will be submitted to the voters the following measure:

MEASURE A. The Pico Rivera City Services Protection Measure. To preserve public safety, community programs and prevent significant cuts to essential services, by funding general City services including hiring additional police, maintaining anti-gang and graffiti efforts, youth and after-school parks and recreation services, expanding library and parks, fixing City streets, and other essential neighborhood improvements, shall the City sales tax be increased by one cent with annual financial audits, expenditure reports, and financial oversight?	YES	
	NO	

WHEREAS, Sections 9220 and 9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at a special municipal elections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council authorizes any and all members of the City Council to file a written argument(s) In Favor of or Against City measures, accompanied by the printed names and signatures of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of the author(s) submitting it, in accordance with Section 9286 of the Elections Code of the State of California and to change the argument(s) until and including August 5, 2008 after which no arguments for or against the City measures may be submitted to the City Clerk.

SECTION 2. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed by August 7, 2008 with the City Clerk for the filing of primary arguments.

SECTION 3. Pursuant to Sections 9220 and 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.


A rebuttal argument may not be signed by more than five.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments, or August 15, 2008. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution which shall be effective upon its adoption.

ADOPTED AND APPROVED this 22nd day of July, 2008.

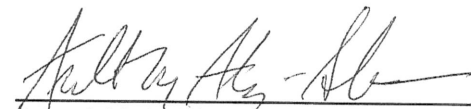

Ron Beilke, Mayor

ATTEST:



Evelyn Izaguirre, Deputy City Clerk

APPROVED AS TO FORM:



Arnold M. Alvarez-Glasman, City Attorney

AYES: Archuleta, Gallegos, Salcido, Mayor Beilke

NOES: None

ABSENT: Armenta

ABSTAIN: None